

Feb 05, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MELISA ANN JOE (a/k/a Lisa Ann
Joe),

Defendant.

No. 1:17-CR-02059-SMJ

**ORDER ENTERING
TEMPORARY RESTRAINING
ORDER**

Before the Court, without oral argument, is the United States Attorney's Office's (USAO) Motion for Protective Order and Motion for Temporary Restraining Order, ECF No. 19. Defendant Joe is currently in custody in Yakima County Jail, where she was booked on an outstanding Yakima Police Department DUI warrant. A United States Marshals Service detainer was placed on her while she served time for the outstanding state case. On January 31, 2018, Magistrate Judge Dimke issued an Order of Detention Pending Trial in connection with an indictment charging Misuse of SSI Benefits in violation of 42 U.S.C. § 1383(a)(4), Theft of Government Funds in violation of 18 U.S.C. § 641, and False Statements, in violation of 18 U.S.C. § 1001.

1 Defendant Joe has expressed anger and hostility towards her daughter's
2 caretaker Delores Nunez. Three days after Defendant's initial interview with
3 investigators regarding her theft of government funds, Defendant sent a Facebook
4 message to Nunez stating, "I wish you'd hang yourself bitch!!!!" While Defendant
5 was serving time in jail between her arrest and arraignment on her federal charge,
6 Defendant made multiple threats against Nunez. In recorded phone calls to her
7 boyfriend, Rory Marshall, Defendant made the following statements:

- 8 a. Defendant warns Marshall that Nunez may try to manipulate him. Marshall
9 replies that he is the manipulator, and that if someone tried to manipulate
10 him, he would lure them somewhere then beat them up.
- 11 b. Defendant states that she is going to fight back against Nunez.
- 12 c. Defendant explicitly states, "I'll fuckin' murder the bitch before I let her
13 send me to federal prison."
- 14 d. Defendant later states she will fight "that bitch" Nunez, and that Nunez
15 will not send Defendant to prison two times in a row over "some stupid old
16 shit like money." Defendant then states she cannot fight Nunez from inside
17 prison.
- 18 e. Defendant threatens, "And I still got some plans for the old bitch too."
- 19 f. Defendant tells Marshall, "I'm going to fight that old bitch. She can't send
20 me to prison twice."
- g. Defendant then threatens, "I'll go to prison for murdering her, but I'm not
going to let her send me."
- h. Defendant tells Marshall: "That bitch ain't taking me down this time."

The Court finds that the Government has met its burden under 18 U.S.C.
§ 1514(a)(1) that there are reasonable grounds to believe that harassment of an
identified witness in a Federal case exists and that such order is necessary to
prevent an offense under 18 U.S.C. § 1512 and 1513.

Accordingly, **IT IS HEREBY ORDERED:**

1. USAO's Motion for Protective Order and Motion for Temporary Restraining Order, **ECF No. 19**, is **GRANTED** with respect to the motion for temporary restraining order and the Court **RESERVES RULING** on the motion for protective order. The USAO's related motion to expedite, **ECF No. 20**, is **GRANTED**.
2. The Court hereby issues a temporary restraining order prohibiting Defendant Melisa Ann Joe (a/k/a Lisa Ann Joe) from threatening, harassing, intimidating, deposing or otherwise contacting Delores Nunez, either directly or through third parties.
3. Pursuant to 18 U.S.C. § 1514(a)(2)(C), this Order remains in effect for a period of two weeks from the date of its issuance.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 5th day of February 2018.



SALVADOR MENDOZA, JR.
United States District Judge